

September 19, 2019



Talbot County Planning Commission
Final Decision Summary

Wednesday, July 3, 2019 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

Paul Spies, Chairman
Phillip "Chip" Councill, Vice Chairman
William Boicourt
Michael Strannahan
Lisa Marie Ghezzi

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Elisa Deflaux, Environmental Planner
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Spies called the meeting to order at 9:00 a.m.

2. Decision Summary Review—June 5, 2019—The Commission noted the following corrections to the draft decision summary:

- a. Line 267, strike "from those applications".
- b. Line 302, insert the words "cottage industry" before "truck" so that it reads: "...a bill to amend Chapter 190 of the *Talbot County Code* to revise cottage industry truck..."
- c. Line 375, correct to read: "to clarify site plan standards for parking, driveways and approvals for change in use."

Commissioner Strannahan moved to approve the draft Planning Commission Decision Summary for June 5, 2019, as amended. Commissioner Councill seconded the motion. The motion carried unanimously (5-0).

3. Old Business—None.

4. New Business

- a. Special Exception—James & Evelyn Gannon #19-1697—28151 Almshouse Road, Oxford, Maryland (map 48, grid 20, parcel 40; zone Rural Conservation/Western Rural Conservation).

Ms. Deflaux presented the staff report for a Special Exception to establish a Community Pier on Lot 3 to serve Lots 1-4 consistent with Talbot County Code §190.31.2. Piers and Related Facilities (Community and Private) use on a property within the Rural Conservation (RC) and Western Rural Conservation (WRC) zoning district in the RC portion of the parcel.

Staff Comments:

1. The granting of a Special Exception to allow for a community pier use on the above mentioned property is supported by the Comprehensive Plan.
2. The land use is permitted by Special Exception in the RC zoning district.
3. The applicant is not requesting any variances as part of the application to the Board of Appeals.
4. The applicant will be required to comply with the revision plat process to establish a community pier.

Staff recommendations for conditions of approval include:

1. The applicant shall take all of the required steps and acquire all necessary approvals, including any additional waivers necessary, associated with a community pier, as spelled out in the *Talbot County Code*.

Ryan Showalter, of McAllister, DeTar, Showalter & Walker, LLC appeared on behalf of the applicant Mr. & Mrs. Gannon. He stated this is a very straight forward request; the Gannons own the entirety of the Little York Farm subdivision; there is a house on Lot 1 which is the northernmost and shallowest water of the four waterfront lots; they would like to have the ability to construct a community pier where there is adequate water depth for boating purposes; and they request to construct the pier on lot 3. Mr. Showalter continued that a pier cannot be constructed on a lot without a principal residence, but a community pier can be constructed by special exception. He stated the community pier would serve only lots 1-4, but for the foreseeable future it is likely to serve only the house on Lot 1. Mr. Showalter explained the applicant does not intend to sell the lots; family members may build on the other lots; and in the future they may sell the other lots. He also explained the community pier would be established with a 50-foot easement from the road to the shoreline for access. Mr. Showalter stated they do not intend to construct parking as only the owner of the farm will be using the pier; if there are houses built on the other lots they would walk, use golf carts or bikes. He added they do not intend to construct a road or any impervious surface.

Commissioner Boicourt asked if labeling a community pier precludes other lots from building a pier. Mr. Showalter responded that it does; there will be a set of restrictive covenants recorded that will obligate the four lot owners to contribute equally to maintenance of the pier; and the covenants will prohibit all of the lots from constructing their own pier unless and until the community pier status is eliminated.

Commissioner Ghezzi questioned why there was only one slip and no parking. She also stated she understood that water access was limited for Lot 1; the pier construction appears to be more of a private pier rather than a community pier. Mr. Showalter responded it would be structured so that Lots 1, 2 and 4 could not have separate piers; if there was a time when houses are constructed on those lots, a permit could be requested from MDE for a slip on the community pier. He

102 added they do not intend to add four to six boats and build a larger pier than
103 necessary at this time.

104
105 Commissioner Strannahan asked what the mechanism is for houses built on other
106 lots to build individual piers. Mr. Showalter responded they would not need a
107 special exception and they would need to go through a Revision Plat.

108
109 Commissioner Councell asked if it would make sense to have it stated, at the
110 discretion of the Planning Officer, to provide adequate parking when necessary.
111 Mr. Showalter responded if the Commission wants to approve the application
112 with parking he has no problem with that, but he believes that the owners of Lots
113 2 and 3 will not want to have more than golf carts to take down. Mr. Councell
114 stated that at some point, someone is going to want to back up their truck to
115 unload their cooler or picnic supplies and, personally, he would prefer parking to
116 be at the discretion of the Planning Officer. Ms. Verdery stated the Code requires
117 one space per two slips and there is a provision for a waiver. Commissioner
118 Councell asked if the Board of Appeals could make it a condition of the Special
119 Exception. Ms. Verdery responded it could be part of the conditions of the
120 Building Permit and conditioned upon additional residences being built.

121
122 Mr. Showalter stated they have a 50-foot easement with turf that a truck could use
123 today. Commissioner Spies asked if the parking spaces could be platted and not
124 built unless necessary. Mr. Showalter responded he would be happy to do that and
125 would discuss with Ms. Verdery if it could be done with grass. Ms. Verdery stated
126 it could be conditioned upon additional structures being built.

127
128 Mr. Salinas stated they still have to go through the TAC process for the revision
129 plat and the parking area can be defined. Mr. Salinas added they would work with
130 the applicant regarding the parking area surface.

131
132 Commissioner Spies asked for public comments; none were made.

133
134 **Commissioner Councell moved to recommend the Board of Appeals approve**
135 **the community pier for James and Evelyn Gannon, 28151 Almshouse Road,**
136 **Oxford, Maryland, with language for the appropriate size area for parking**
137 **on the plat, and with staff recommendations. Commissioner Boicourt**
138 **seconded the motion. The motion carried unanimously (5-0).**

- 139
140 b. Major Revision Plat—Nathaniel Ewing and William Ewing, Jr. #L1320 —10591
141 Tuckahoe Bow Road, Cordova, Maryland (map 19, grid 12, parcels 40 & 125,
142 Lots 1-4; zone: Rural Conservation/Agricultural Conservation)

143
144 Ms. Deflaux presented the staff report for a major revision plat for the purpose of
145 reconfiguring 1-4 existing lots of record as well as locating a private road right-
146 of-way recorded and identified as “Tuckahoe Bow Road.” According to §190-
147 71.2.A.1, any revision plat that results in the modification or relocation of a public

148 or private road right-of-way, except to bring a road right-of-way up to current
149 standards, requires a Major Revision Plat. The Talbot County Planning
150 Commission is the approving authority for all Major Revision Plats consistent
151 with §190-71.4.B.

152
153 Staff recommendations include:

- 154
155 1. Address the June 12, 2019 Technical Advisory Committee comments from the
156 Department of Planning & Zoning, Department of Public Works,
157 Environmental Health Department, Talbot Soil Conservation District and the
158 Environmental Planner prior to the Preliminary Plat submittal.

159
160 Chris Waters, Davis, Bowen & Friedel, Inc. appeared before Commission on
161 behalf of the Ewing Family. He stated they were revising the lot sizes for tax
162 purposes and one of the issues identified by staff was the cul-de-sac, which
163 encroached a little bit into the buffer. He added that he is redesigning the plat so it
164 is not in the buffer and they are working on a road maintenance agreement.

165
166 Commissioner Ghezzi asked about the steep slopes. Mr. Waters responded the
167 slopes were within the hundred-foot buffer.

168
169 Commissioner Spies asked for public comments; none were made.

170
171 **Commissioner Boicourt moved to approve the sketch plan for Nathaniel**
172 **Ewing and William Ewing, Jr., 10591 Tuckahoe Bow Road, Cordova,**
173 **Maryland; all staff conditions being complied with. Commissioner Ghezzi**
174 **seconded the motion. The motion carried unanimously (5-0).**

- 175
176 c. (1) Major Site Plan—BLK Ventures, LLC, Bobby & Kelly Cordes, Members
177 #611 — 27334 Little Park Road, Easton, Maryland (map 16, grid 5, parcel
178 59, lot B; zone: Western Rural Conservation)

179
180 (2) Waivers:

- 181 (a) §190-40.5 Perimeter landscape yards.
182 (b) §190-41.3 Table V-6 Required off-street parking

183
184 Ms. Deflaux presented the staff report for major site plan approval from the
185 Planning Commission to establish a Stables, riding, trails and horse boarding
186 (commercial) use on a property within the Western Rural Conservation (WRC)
187 zoning district. Additionally, the applicant is requesting waivers from the
188 Minimum Parking Requirements and Alternative Landscaping Plan sections of
189 the *Talbot County Code*. The Board of Appeals granted a Special Exception on
190 May 20, 2019.

191
192 Staff recommendations include:

1. Address the June 12, 2019 Technical Advisory Committee comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner.
2. The applicants shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding new construction.
3. The applicants shall commence construction on the proposed improvements within twelve (12) months from the date of final approval.

Ryan Showalter, McAllister, DeTar, Showalter & Walker, LLC and Elizabeth Fink, Fink, Whitten & Associates appeared on behalf of BLK Ventures. Mr. Showalter stated that the plan was reviewed as a special exception to the Board of Appeals; the training that occurs in this facility is a very specialized training of horses; the horses are ridden competitively and occasionally the owner will come and watch the horse being trained; and the number of vehicle trips and amount of parking is different from a commercial riding stable. He added that the property is in agricultural use today; part will continue to be tilled and the rest will be in pasture. Mr. Showalter added because of the existing mature landscaping around the driveway, they are asking for a waiver of the street trees.

Elizabeth Fink stated they went to the TAC review and they need to discuss the bathroom facilities with Environmental Health as no one will be staying on site. She added that the applications includes a waiver request for the minimum parking spaces. Ms. Fink noted the plat shows a minimal amount with one ADA to be paved and three in gravel. She stated there are mature trees on all sides and they are proposing a few scattered trees along Little Park Road with a scattering of shrubs. Commissioner Boicourt stated he is normally a more aggressive landscape person, but he agrees with the waiver.

Commissioner Ghezzi stated she drove past the property and agrees with the proposed landscaping. She asked about the trailering and if there is room for them to maneuver. Bobby Cordes responded that one of the owners stated there is substantial room in front of the garage area for turning a truck and trailer around and noted there will be no storage of trailers, just a drop off or pick up of horses.

Commissioner Ghezzi asked about the bathroom facilities. Ms. Verdery responded that staff is working with the applicant on what will be required and the applicant will comply with the determination.

Commissioner Spies asked for public comments; none were made.

Commissioner Councill moved to approve the Major Site Plan for BLK Ventures, LLC, Bobby & Kelly Cordes, 27334 Little Park Road, Easton, Maryland with all staff conditions being complied with. Commissioner Boicourt seconded the motion. The motion carried unanimously (5-0).

240
241 **Commissioner Councill moved to approve the parking and landscape**
242 **waivers for BLK Ventures, LLC, Bobby & Kelly Cordes, all staff conditions**
243 **being complied with. Commissioner Boicourt seconded the motion. The**
244 **motion carried unanimously (5-0).**
245

246 **5. Discussions Items**
247

248 **6. Staff Matters**

249 Ms. Verdery stated there were six legislative bills on which the Commission had
250 previously provided their recommendations to the County Council. Two of the bills were
251 approved: Bill 1416 - Marine Equipment Services and Repair, a land use that was in the
252 previous zoning ordinance and erroneously omitted from the current ordinance and Bill
253 1417 – amending the definition of Contracting, Building Trade and Construction to
254 include landscape contractor services. These bills will be effective August 10th. Ms.
255 Verdery explained that the third, Bill 1414 that clarifies site plan standards was reviewed
256 by County Council but they did not take action; they plan to take action on July 9th.
257

258 Three additional bills were discussed. Bill 1412 relates to the Cottage Industry land use
259 and truck weight limits on certain road ways. The bill was proposed to state that unless
260 you were on a state arterial or collector roadway, the cottage industry shall not generate
261 visits to the cottage industry by vehicles with a gross vehicle weight rating over 16,000
262 pounds. The discussion came up of whether that related to state highways only or
263 roadway as classified in our comp plan map that shows State and County arterial and
264 collector roadways. Alternatives were discussed to include the County Engineer and
265 Roads Superintendent having authority to increase the 16,000 pound truck limit.
266

267 Commissioner Strannahan stated he would prefer to have the Planning Officer in there
268 too. Commissioner Spies stated any way we can provide an exemption makes sense and
269 should include the Planning Officer. He definitely does not like the option of the state
270 highways only. Commissioner Councill stated the intent was not a weight limit, but a
271 residential community character concern.
272

273 Ms. Verdery stated Option B included Public Works for their knowledge of the road and
274 safety factors. Commissioner Councill asked if it was too late to strike the weight and
275 leave it at the Planning Officer discretion. Commissioner Boicourt stated weight has been
276 the only way to differentiate between large and small trucks for cottage industries.
277

278 Commissioner Spies stated we do not just want this based on weight; we want this
279 decision on cottage industries based on location and appropriate sites for businesses. The
280 provisions should maintain as much flexibility as the Planning Office can designate. Ms.
281 Verdery stated the goal is trying to insert the minor amendment to clean up a few
282 sections. She stated she is hesitant to make substantial changes that would make an
283 entirely new bill. Even this change, we need to forward to the Office of Law.
284

Commissioner Spies suggested we cross out collector. Ms. Verdery stated, if not removed, we might need to define collector.

Commissioner Boicourt stated we should bring back to Planning Officer. Commissioner Councell stated how about Option B as it reads and add a sentence and all other roads may be exempt at the discretion of the Planning Officer. Ms. Verdery stated that would require an entirely new bill.

Ms. Verdery suggested to move forward with this bill for now, and then move forward with the recommendation to consider additional amendments.

Commissioner Spies stated he is not in support of Option A at all; He is in support of Option B which states: Unless located on a state roadway and county collector as designated on Map 3A. He would like to make a minor change to this Bill. Also a secondary bill that addresses concerns of getting it right and keeping discretion within the Planning Office.

Commissioner Ghezzi stated that she understands the change allows two additional County roads Almshouse Road and Airport Road. It is also limiting because there are minor state collector roads that are being limited, and that makes sense because those are more neighborhood type areas.

Ms. Verdery stated the individuals who are most interested, are asking for this amendment because they are located on the minor collectors, the County minor collectors.

Ms. Verdery stated the Commission also received a letter from Zack Smith who represents a couple of individual current cottage industry owners, as well as proposed cottage industries. We have 14 active cottage industry properties; one on a principal arterial, three on major collectors, three on minor collectors, and three on local roads that would be exempt no matter what amendment is made. Although all are exempt because they are existing, we provide this information just to put the numbers/locations into perspective as to how they exist; one is located on Route 50; three are located on St. Michaels Road; one is located on Oxford Road; three are on Tilghman Road, a major collector; three are on a minor collector; one is on Black Walnut Road in Tilghman; and one on Black Dog Alley.

Commissioner Spies stated that speaks to the point of getting the legislation to the point of getting the Planner into consultation with the Road Engineer and getting it right. If that is going to take a major change that requires making a change to Option A now and then making the major legislative changes later.

Ms. Verdery wanted to make sure we didn't lose our initial focus of maintaining the safety and character of the neighborhood. Commissioner Councell stated that is why we should get it back to where the Planning Officer has the discretion to make the decision regarding Cottage Industries. He further stated it should be expressed to the Council that

331 it was the Commission's intention to protect the neighborhoods that should not be subject
332 to that type of traffic.

333
334 Ms. Verdery clarified the Commission's general consensus was to go with the State
335 roadway and major collectors as defined on the map in the Comprehensive Plan.

336
337 Commissioner Spies asked what would be the process of getting to step two and what
338 would be the timeframe. Ms. Verdery stated it would be presented to Council and one of
339 the Council members would have to introduce it. Commissioner Spies stated he is on the
340 fence between major and minor. He does not want option A and he wants to get back to
341 family businesses. Ms. Verdery explained that all of these go through the site plan
342 process. The Commission would see these projects and would have the opportunity to
343 know if they are the right project, the right location, the right conditions, with the right
344 access, the right truck limits, the right number of vehicle trips. So we have input in that
345 process and can put conditions on any site plan approval. Commissioner Councell stated
346 if the project says major County collector and he is on a minor collector he is out. Ms.
347 Verdery stated he does not get the weight limit exemption the others get. Commissioner
348 Ghezzi stated he can have the trucks under 16,000 pounds.

349
350 Commissioner Spies stated if we approve all County collectors, major and minor, if we
351 don't include minors is there a way for them to get a special exception. Ms. Verdery
352 stated they can get the cottage industry use, they just can't get the 16,000 weight limit
353 exemption there. Commissioner Spies stated he is willing to have the use and put
354 limitations where it doesn't work in the future. Commissioner Strannahan stated there
355 definitely needs to be an ability to look at each minor collector. Commissioner Ghezzi
356 asked if there should be language that each project should be evaluated by the Planning
357 Officer. Ms. Verdery stated that is what is evaluated in the site plan process.

358
359 Commissioner Councell asked what happens if the County Council decides not to
360 introduce another bill that allows us to get it right; then are you putting anyone on a
361 minor collector at a serious economic disadvantage. Even if they do elect to introduce
362 another bill, there is one applicant this will hinder in the meantime.

363
364 Commissioner Spies asked Ms. Verdery in her opinion, what is the best change to
365 evaluate the projects coming before the Commission. They want to hear the cases.

366
367 Ms. Verdery stated one is an enforcement case who needs to come forward as a site plan.
368 He is represented by Zach Smith. He is part of the reason we are having this discussion.
369 If this amendment is not made to allow the minor collector he may need to relocate his
370 business or his residence.

371
372 Commissioner Ghezzi asked if 16,000/26,000 pound weight has some flexibility.
373 Commissioner Boicourt stated there was discussions on this and the consultant who was
374 hired to update the Code recommended this. Ms. Verdery stated the weight limit is listed
375 on the door of the vehicle and is easy for enforcement to find.

Commissioner Boicourt stated he thinks we should be ready to address this criteria, but he is worried that we not turn into the Board of Appeals and think about the neighborhood feeling to address this issue.

Commissioner Ghezzi stated Mr. Spies brought up the issue of preserving the character of the neighborhood. It is something that needs to be addressed with more clarity. She has confidence the County Council would take into consideration the neighborhood aspect. Commissioner Spies stated this is something he would send to the high school debate team, he could argue either side.

Commissioner Spies asked for comments from the public.

Brian Hause stated he bought property in 2008, located at 9236 Chapel Road. He is a lifelong resident of Talbot County. He stated he ran a landscape and construction business. He talked to Ray Clarke and learned the intersection of Black Dog Alley was proposed for the first traffic light in the County. It looks like he will be annexed one day and when it is he will be Industrial zoned. But now it looks like that will be a while. Black Dog Alley is a minor collector. Chapel and Black Dog are very busy roadways. He might be all right today but knows he has a little problem with the ten trip limit. He has a 26,000 lbs. truck which is a problem. If this legislation is passed with discretion from the County Engineer and the Roads Superintendent in place, they will not let you have access if they feel it is not feasible. He is trying to come into compliance.

Megan Osman, Will Osman's wife, Almshouse Road, is seeking to have a turf management home occupation. Limiting roadways and weight limits will discourage people from having company's at home. Some tweaking would be valuable as the current weight limits severely restrict their business, as well as the fact that they are limited to 3,000 square feet of storage. A dumpster or garbage truck would be over the limit that was set.

Commissioner Strannahan stated both of these speak to the issues of encouraging cottage industries but also to the nature of the neighborhoods. These are not areas where the tenure of the neighborhoods should be changed. They have been there a while and there is not a negative effect to the neighbors. We have to fully balance both sides.

Mr. Hause stated with the trucks they pay a huge amount for tags.

Commissioner Boicourt suggested we go with Option B with county collector roadways, with an opportunity to bring additional language to the County Council.

Ms. Verdery stated State Roadways with all County collector roadways as shown on Map 3A of the County Comprehensive Plan with an opportunity to bring additional language to County Council relating to truck limits.

Ms. Osman asked about the opportunity for a Review Board like the Blue Ribbon or the Short Term Rental Board. Mr. Councill stated such a Board would only meet once a

year. Ms. Osman said something like a temporary Board that would evaluate all of these questions and come up with a plan. Ms. Verdery stated that if the Council supported digging deeper we would contact Zach Smith and the other major players and discuss the issues.

The Commission discussed Bill 1415 - Vertical Expansion. At the Planning Commission's recommendation vertical expansion of a nonconforming building was recommended to go through a minor variance. Specific language was added under the Minor Variance section 58.2: does not increase lot coverage; is no closer to property line than the existing walls. There are certain elements that require the Planning Commission recommendation under Section B.2. This will be heard by Council on July 9th.

Bill 1413 included amendments to short-term rental provisions– At the Planning Commission's June 5th meeting amendments were recommended to the Council regarding Short Term Rentals. The bill clarifies that the inspector for safety inspections has to be International Code Council certified. Staff also made some changes to the definition section as there were some inconsistencies. The bill also clarifies the process for notifications to adjacent property owners. Currently, the first notice is a certified mailing to adjacent property owners, any other neighbors with a property line within 1,000 feet, property owners immediately across a roadway, and property owners within 1,000 feet across a waterway. The second mailing notifying the same property owners is also sent by certified mail. Staff also has to post a sign 15 days prior to hearing.

At the June 5th meeting, the Commission recommended the County Council adopt a first class mailing requirement without notice of receipt for the second notice. After the June 5th meeting, the County Council held a public hearing on the bill and continued the hearing to June 11th. They amended the meeting notice to require a first class mailing with delivery confirmation. They also noted there is no minimum number of days for the second mailing. County Council asked staff to discuss options as to whether it should be first class mail or some different option and if there should be a time limit.

Staff described the various options for the second mailing including: certificate of mailing, certified mailing, priority mail with delivery confirmation, and certified mailing with restricted delivery. Staff discussed options with the Short-Term Rental Review Board last week and they recommended the second mailing to be First Class with Certificate of Mailing no later than 15 days from the scheduled meeting.

Commissioner Councell stated he was fine with first class mail with the certificate of mailing. Mr. Salinas stated the meeting notice would be sent by the applicant by regular mail with a Certificate of Mailing not later than 15 days before the meeting.

The Commission agreed they were comfortable with the Certificate of mailing and 15 day notice.

Commissioner Spies asked for public comment.

463 Monica Otte stated she was at the Short-Term Rental Review Board meeting when this
464 was discussed and the recommendation is a very good change.

465 Mr. Salinas stated they selected the consultant for the Cordova Village Master Plan -
466 RK&K out of Baltimore. He added they hope to kick-off the project in July and they are
467 looking to have a Community Event on August 20th in Cordova. He will keep everyone
468 aware of upcoming information.

469 Mr. Salinas noted the Working Waterfront Overlay District project is still in process; the
470 Critical Area Commission staff currently has it under review. Once a final draft is
471 introduced in bill form, he added, it will go through the legislative process and public
472 hearings.

473 **7. WorkSessions**

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475 **8. Commission Matters**

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477 **9. Adjournment**—Commissioner Spies adjourned the meeting at 11:15 a.m.

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